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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,381	02/29/2000	Joseph C. Anders		1109

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EXAMINER

WEAVER, SCOTT LOUIS

ART UNIT PAPER NUMBER

2645

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/516,381

Applicant(s)

ANDERS ET AL.

Examiner

Scott L. Weaver

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Part III RESTRICTION REQUIREMENT

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I: Claim 1, drawn to system for outputting distinct ring sounds classified in Class 379, subclass 373.02, Telephonic Communications, with distinctive or selective alerting .

Group II: Claims 2-4, drawn to a system for recording and outputting voice alerting sounds including pronunciation and storage means therefor classified in Class 379, subclass 374.02, Telephonic Communications, with audible message generation.

Group III: Claims 5-9, drawn to a telephonic system for conferencing which is classified in Class 379, subclass 202.01, Telephonic Communications with Conferencing.

Group IV: Claim 11, drawn to telephonic authentication via biological marker database which is classified in Class 379, subclass 93.03 Telephonic Communications with access restricting personal identification.

Group V: Claims 12-19, drawn to a telephonic system including bus and multiple modems responding to speech which is classified in Class 379, subclass 88.04, Telephonic Communications with voice controlled message management.

Each of the groups of invention as noted above are disclosed as being useable together, however each invention as claimed is distinct from each of the other groups and could be separately manufactured, sold, and used as claimed separately from each of the others, with each group being patentable over the other, thus each group presents a distinct invention. Consider that a prior art reference anticipating one claim grouping would not render the claims of each other grouping obvious under 35 U.S.C. § 103. Consider that in each of five groupings there is a distinct inventive feature not required by each of the other groups of claims.

Inventions of group I-V are distinct from each other as can be determined by their separate classifications, required fields of search and separate inventive efforts (status in the art).

The inventions are distinct, each from the other because of the following reasons:

The inventions of groups II-V do not require outputting distinct ring sounds (as in group I) to present distinct inventive features.

The inventions of group I and III-V do not require recording and outputting voice alerting sounds including pronunciation and storage means therefor (as in group II).

The inventions of groups I-II and IV-V do not require conferencing (as in group III).

The inventions of groups I-III and V do not require telephonic authentication via biological marker database (as in group IV).

The inventions of groups I-IV do not require telephonic system including bus and multiple modems responding to speech (as in group V).

Each of the claim groupings I-V thus provides a distinct invention over that of each of the other groups and could be manufactured, sold and used as a separate invention.

In the instant case, the inventions of groups I-V have separate utility and could be used for separate purposes.

The invention of Group I could be used for outputting distinct ring sounds while not requiring recording and outputting voice alerting sounds including pronunciation and storage means therefor, conferencing, telephonic authentication via biological marker database, telephonic system including bus and multiple modems responding to speech.

The invention of Group II could be used for recording and outputting voice alerting sounds including pronunciation and storage means therefor while not requiring outputting distinct ring sounds, conferencing, telephonic authentication via biological marker database, telephonic system including bus and multiple modems responding to speech.

The invention of Group III could be used for conferencing while not requiring outputting distinct ring sounds, recording and outputting voice alerting sounds including pronunciation and storage means therefor, telephonic authentication via biological marker database, telephonic system including bus and multiple modems responding to speech.

The invention of Group IV could be used for telephonic authentication via biological marker database while not requiring outputting distinct ring sounds, recording and outputting voice alerting sounds including pronunciation and storage means therefor, conferencing, telephonic system including bus and multiple modems responding to speech.

The invention of Group V could be used for telephonic system including bus and multiple modems responding to speech while not requiring outputting distinct ring sounds, recording and outputting voice alerting sounds including pronunciation and storage means therefor, conferencing, telephonic authentication via biological marker database.

Each of the claims of groups I-V thus provides a distinct invention over that of the other group.

Because these inventions are distinct for the reasons given above and the search required for the plural Groups indicated above is not required in each of the other plural groups indicated, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

3. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Weaver whose telephone number is (703) 308-6974. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750 or to 2600 Customer Service at 703-306-0377.


SCOTT L. WEAVER
PRIMARY EXAMINER
Art Unit 2645